

**426.551 Issual of execution after death of plaintiff -- Who treated as plaintiff.**

- (1) The death of a party, after recovering a judgment, shall not prevent the issuing of an execution afterward; but
  - (a) Upon a judgment recovered by one (1) party, execution issued after his death must be in favor of his representative or successor who is entitled to the property for which the judgment was rendered.
  - (b) Upon a judgment recovered by several parties, execution issued after the death of one must be in favor of the other.
  - (c) Upon a judgment recovered by several parties, execution issued after the death of all of them must be in favor of the last survivor's representative or successor who would have been entitled to the property if the judgment had been recovered by such survivor only.
  - (d) The clerk shall indorse on the execution the names of the decedent and of such survivor, representative or successor.
  - (e) An execution issued in favor of a survivor, representative or successor of a decedent shall be subject to the control of the court whence it issued for the protection of any person interested therein.
- (2) Upon such execution, the person entitled thereto, according to the indorsement of the clerk, shall be treated by the sheriff as the plaintiff therein.

**Effective:** July 1, 1953

**History:** Transferred 1952 Ky. Acts ch. 84, sec. 1, effective July 1, 1953, from C.C. secs. 402, 403.